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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/585,866
Filing Date: September 12, 2006
Appellant(s): SEYDOUX, HENRI

Stanley C. Spooner (REG. NO. 27,393)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 9-24-2010 appealing from the Office action mailed 4-14-2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

1-8

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the

subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

5,555,172	POTTER	9-1996
4,827,520	ZEINSTRA	5-1989
2003/0074112	WEIMPER	4-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

2. A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Potter, Patent Number: 5,555,172, Zeinstra, Patent Number: 4,827,520, and Weimper et al., Publication Number: 2003/0074112, hereinafter Weimper.
4. With regard to claim 1, which teaches a device forming an interface for finding and selecting an option in a hierarchical directory, in particular for searching for and selecting a number in a directory of a mobile telephone on board a vehicle, Potter

teaches, in column 3, lines 14-41 and column 4, liens 1-20 and figure , a device, located within a vehicle, for providing an interface for selecting an option from a hierarchically arranged directory of phone contacts. With regard to claim 1, which teaches the device comprising: a data memory containing a plurality of said options ordered as a sequential list; Potter teaches, in column 10, lines 51-56 and column 5, lines 3-10, memory for storing a plurality of options in a sequential list. With regard to claim 1, which teaches a pointer for selecting one of the options of the list; Potter teaches, in column 3, liens 27-31, a cursor for selection options from the list. With regard to claim 1, which teaches selector means suitable for incrementing or decrementing the pointer in response to controlled manipulation by the user; Potter teaches, in column 10, lines 10-56, a rotary switch control knob for incrementing or decrementing the cursor in response to user input. With regard to claim 1, which teaches processor means suitable for executing a set of predetermined actions as a function of the options in the data memory; Potter teaches, in column 10, lines 13-21 and column 4, line 50 through column 5, line 10, a processor for executing a set of action as functions of the options. With regard to claim 1, which teaches the device being characterized in that it further comprises: acoustic means suitable for sending to the user an audible message constituting a voiced representation of the option selected by the pointer in response to said pointer being incremented or decremented; Potter teaches, in column 10, lines 10-56, providing the user with a confirmation of elements selected. With regard to claim 1, which teaches confirmation means that can be manipulated by the user, suitable for reading the option selected by the pointer and transferring said option to the processor means for

executing the corresponding action; Potter teaches, in column 10, lines 10-56 and column 4, line 50 through column 5, line 10, a rotary switch control knob for incrementing or decrementing the cursor in response to user input in order to select an option for processing and a processor for executing a set of action as functions of the options. With regard to claim 1, which teaches that said selector means comprise a two- directional rotary knob that can be manipulated by the user, said confirmation means comprising a transient contact that can be actuated by pressing on said rotary knob, Potter teaches, in column 10, lines 10-56, a rotary switch control knob for incrementing or decrementing the cursor in response to user input and an enter button for selecting the element the cursor is over.

5. Potter teaches providing confirming UI to the user selection (supra), but doesn't specifically teach acoustic means suitable for sending to the user an audible message constituting a voiced representation of the option selected by the pointer. Zeinstra teaches a system in a vehicle for selecting phone listings (see abstract), similar to that of Potter, but further teaches providing the user acoustic messages constituting an option selected by the user (see column 7, lines 16-35 and column 14, lines 8-18). It would have been obvious to one of ordinary skill in the art, having the teachings of Potter and Zeinstra before him at the time the invention was made to modify vehicular telecommunication system control of Potter to include the verbal confirmation as did Zeinstra. One would have been motivated to make such a combination because this allows for an intuitive / hands free method for the user to confirm selection without

taking their eyes off the road. Zeinstra is further referenced in the background section of Potter.

6. Potter and Zeinstra teach a means for selecting an element from the directory (supra), but don't specifically teach the selection being made from actuating by pressing the rotary knob. Weimper teaches an in car computing system for telephone usages comprising a rotary switch (see paragraphs 1 and 34), but further teaches the selection means being located on the rotary switch (see paragraph 38). It would have been obvious to one of ordinary skill in the art, having the teachings of Potter, Zeinstra, and Weimper before him at the time the invention was made to modify the control systems of Potter and Zeinstra to include the use of the pressing the rotary switch for selection, as did Weimper. One would have been motivated to make such a combination because this allows for better management of space encompassing selection within the rotary switch.

7. With regard to claim 2, which teaches further comprising display means for displaying the option selected by the pointer, Potter teaches, in column 3, lines 26-31, a display means for displaying the option selected.

8. With regard to claim 3, which teaches in which the display means also display at least one of the preceding and/or following options in the list, Potter teaches, in column 10, lines 10-54 and figure 12, displaying previous and following options in the list.

9. With regard to claim 4, which teaches in which: said options contain names; a telephone number is associated with each option; and the action executed by the processor means is to dialing the corresponding telephone number, Potter teaches, in

column 10, lines 10-54, options including names, and associated telephone numbers, where the action is dialing the number.

10. With regard to claim 5, which teaches in which: said options contain letters of the alphabet; and the action executed by the processor means is positioning the pointer on the first name beginning by the selected letter, Potter teaches, in column 10, lines 10-54, options including letters, where the action is locating a name associated with the textual entry.

11. With regard to claim 6, which teaches in which: said options contain command menu titles, or the titles of lower-level menus; and the action executed by the processor means is to execute the corresponding command or to select the corresponding lower-level menu, Potter teaches, in column 10, lines 10-54, options including menu options for traversing to lower level menus.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Potter, Patent Number: 5,555,172, and Zeinstra, Patent Number: 4,827,520.

12. With regard to claim 7, which teaches a device for providing a user an audible indication of a chosen option, said device comprising: a data memory storing a plurality of options; a pointer manipulated by said user to indicate one of said options; an acoustic transducer, responsive to the indication of one of said options, providing a voiced representation of the indicated option; and a user activated switch for implementing said indicated option; Potter teaches, in column 3, lines 14-41 and column

4, liens 1-20 and figure , a device, located within a vehicle, for providing an interface for selecting an option from a hierarchically arranged directory of phone contacts. Potter teaches, in column 10, lines 51-56 and column 5, lines 3-10, memory for storing a plurality of options in a sequential list. Potter teaches, in column 3, lines 27-31, a cursor for selection options from the list. ; Potter teaches, in column 10, lines 10-56, a rotary switch control knob for incrementing or decrementing the cursor in response to user input. Potter teaches, in column 10, lines 13-21 and column 4, line 50 through column 5, line 10, a processor for executing a set of action as functions of the options. Potter teaches, in column 10, lines 10-56, providing the user with a confirmation of elements selected.

13. Potter teaches providing confirming UI to the user selection (supra), but doesn't specifically teach an acoustic transducer, responsive to the indication of one of said options, providing a voiced representation of the indicated option. Zeinstra teaches a system in a vehicle for selecting phone listings (see abstract), similar to that of Potter, but further teaches providing the user acoustic messages constituting an option selected by the user (see column 7, lines 16-35 and column 14, lines 8-18). It would have been obvious to one of ordinary skill in the art, having the teachings of Potter and Zeinstra before him at the time the invention was made to modify vehicular telecommunication system control of Potter to include the verbal confirmation as did Zeinstra. One would have been motivated to make such a combination because this allows for an intuitive / hands free method for the user to confirm selection without

taking their eyes off the road. Zeinstra is further referenced in the background section of Potter.

14. With regard to claim 8, which teaches a method of providing a user an audible indication of a chosen option among a plurality of options stored in a data memory, said method comprising the steps of: said user manipulating a pointer to indicate one of said plurality of options; providing said user with a voiced representation of each indicated option; and said user selecting, based upon said voiced representation of a chosen option, said chosen option with an electronic input; Potter teaches, in column 3, lines 14-41 and column 4, liens 1-20 and figure , a device, located within a vehicle, for providing an interface for selecting an option from a hierarchically arranged directory of phone contacts. Potter teaches, in column 10, lines 51-56 and column 5, lines 3-10, memory for storing a plurality of options in a sequential list. Potter teaches, in column 3, lines 27-31, a cursor for selection options from the list. ; Potter teaches, in column 10, lines 10-56, a rotary switch control knob for incrementing or decrementing the cursor in response to user input. Potter teaches, in column 10, lines 13-21 and column 4, line 50 through column 5, line 10, a processor for executing a set of action as functions of the options. Potter teaches, in column 10, lines 10-56, providing the user with a confirmation of elements selected.

15. Potter teaches providing confirming UI to the user selection (supra), but doesn't specifically teach an acoustic transducer, responsive to the indication of one of said options, providing a voiced representation of the indicated option. Zeinstra teaches a system in a vehicle for selecting phone listings (see abstract), similar to that of Potter,

but further teaches providing the user acoustic messages constituting an option selected by the user (see column 7, lines 16-35 and column 14, lines 8-18). It would have been obvious to one of ordinary skill in the art, having the teachings of Potter and Zeinstra before him at the time the invention was made to modify vehicular telecommunication system control of Potter to include the verbal confirmation as did Zeinstra. One would have been motivated to make such a combination because this allows for an intuitive / hands free method for the user to confirm selection without taking their eyes off the road. Zeinstra is further referenced in the background section of Potter.

(10) Response to Argument

Claims 1-8:

With respect to the arguments directed at the independent claims including Claims 1, 7, and 8 the Appellant's arguments are focused on the limitations regarding the existence of Acoustic Means. More specifically, as stated from representative Claim 1, the limitation argued is:

“

acoustic means for sending to the user an audible message

”

Since the interpretation of the limitation is the basis for the arguments, the Examiner's interpretation is now given. The claim, as interpreted by the examiner, pertains to a system in which an acoustic means for providing an audible message

constituting a voiced representation of a selected option (as is defined via the specification). As stated in the eighth paragraph of MPEP 2101[R2].II.C.,

“Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023,1027-28 (Fed. Cir. 1997).”

Based on the interpretation of the claim limitations being argued, the Examiner will now explain how the teachings of the Potter, Zeinstra, and Weimper references are within the scope of these limitations.

Potter teaches, in column 3, lines 27-31, a cursor for selection options from the list ; Potter teaches, in column 10, lines 10-56, a rotary switch control knob for incrementing or decrementing the cursor in response to user input; and is further supplemented by Zeinstra who teaches a system in a vehicle for selecting phone listings (see abstract), similar to that of Potter, but further teaches providing the user acoustic messages constituting an option selected by the user (see column 7, lines 16-35 and column 14, lines 8-18). Zeinstra teaches (as admitted by the Applicant on page 12 of the 12-9-2009 response) an audible prompt confirming the option currently selected.

The examiner will now address the individual arguments and statements made by Appellant.

From page 8 of the Appeal Brief, from the first paragraph, the Appellant argues that The Examiner fails to properly construe Appellant's independent claims as required by 35 USC 112 (6th).

The Examiner respectfully contends that the appellant's specification only defines the acoustic means as "means suitable for sending to the user an audible message constituting a voiced representation of the option selected by the pointer in response to said pointer being incremented or decremented". Where the examiner clearly points out Potters teaching of incrementing or decrementing a cursor (pointer) (column 10, lines 10-56), and Zeinstra teaching of acoustic messages confirming an option selected by the user (see column 7, lines 16-35 and column 14, lines 8-18).

From page 9 of the Appeal Brief, from the third paragraph, the Appellant argues that the Examiner fails to identify any prior art reference disclosing any structure falling within the scope of the properly construed "acoustic means" in claim 1 (and similar structure and method step in claims 7 and 8) or its claimed structural interrelationship.

The Examiner respectfully contends that the above combination of Potter and Zeinstra covers the limitation. Potter teaches, in column 3, lines 27-31, a

cursor for selection options from the list ; Potter teaches, in column 10, lines 10-56, a rotary switch control knob for incrementing or decrementing the cursor in response to user input; and is further supplemented by Zeinstra who teaches a system in a vehicle for selecting phone listings (see abstract), similar to that of Potter, but further teaches providing the user acoustic messages constituting an option selected by the user (see column 7, lines 16-35 and column 14, lines 8-18). Zeinstra teaches (as admitted by the Applicant on page 12 of the 12-9-2009 response) an audible prompt confirming the option currently selected.

From page 11 of the Appeal Brief, from the second paragraph, the Appellant argues that The Examiner fails to meet his burden of setting evidence establishing a *prima facie* Case of obviousness because no cited reference discloses the claimed "acoustic means".

The Examiner respectfully contends that again the above combination is believed to cover the claims (supra).

From page 12 of the Appeal Brief, from the first paragraph, the Appellant argues that The Examiner fails to set out a *prima facie* case of obviousness because there is no required "analysis" of the Examiner's reasons for combining references.

The Examiner respectfully contends that rational was provided, in that the Examiner stated that the combination "allows for an intuitive hands free method for the

user to confirm selection without taking their eyes off of the road." Regarding the user of Potter having to look at the display with the combined selection confirmation the user would no longer have to look at the display to see what is selected, though they could if they wanted to.

From page 14 of the Appeal Brief, from the second paragraph, the Appellant argues that The examiner fails to meet his burden of establishing a *prima facie* case of obviousness with respect to claims 1-6.

The Examiner respectfully contends that the Examiner did consider the format of the claims and gave the claim the proper weight it was warranted to have. Appellant's specification only defines the acoustic means as "means suitable for sending to the user an audible message constituting a voiced representation of the option selected by the pointer in response to said pointer being incremented or decremented". Where the examiner clearly points out Potters teaching of incrementing or decrementing a cursor (pointer) (column 10, lines 10-56), and Zeinstra teaching of acoustic messages confirming an option selected by the user (see column 7, lines 16-35 and column 14, lines 8-18).

From page 15 of the Appeal Brief, from the third paragraph, the Appellant argues that the examiner fails to meet his burden of establishing a *prima facie* case of obviousness with respect to claims 7 and 8.

The Examiner respectfully contends that the Examiner did consider the format of the claims and gave the claim the proper weight it was warranted to have. Appellant's specification only defines the acoustic means as "means suitable for sending to the user an audible message constituting a voiced representation of the option selected by the pointer in response to said pointer being incremented or decremented". Where the examiner clearly points out Potters teaching of incrementing or decrementing a cursor (pointer) (column 10, lines 10-56), and Zeinstra teaching of acoustic messages confirming an option selected by the user (see column 7, lines 16-35 and column 14, lines 8-18).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Conferees:

/Dennis G. Bonshock/

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